

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ESIS, INC.,

Plaintiff,

v.

**COVENTRY HEALTH CARE WORKERS
COMPENSATION, INC.,
Defendant.**

CIVIL ACTION

NO. 13-2957

ESIS, INC.,

Plaintiff,

v.

**CONCENTRA INTEGRATED SERVICES,
INC.,
Defendant/Third Party Plaintiff,**

v.

**AETNA, INC., and
AETNA WORKERS' COMP ACCESS,
LLC,
Third Party Defendants.**

CIVIL ACTION

NO. 13-2998

ORDER

AND NOW, this 9th day of March, 2016, upon consideration of Aetna Inc. and Aetna Workers Comp Access LLC's Motion to Dismiss Concentra Integrated Services, Inc.'s Second Amended Third Party Complaint (Doc. No. 61, filed January 25, 2016), Concentra Integrated Services, Inc.'s Brief in Opposition to Motion to Dismiss Second Amended Third Party Complaint by Aetna Inc. and Aetna Workers' Comp Access LLC (Doc. No. 63, filed February 18, 2016), Aetna Inc. and Aetna Workers' Comp Access LLC's Reply in Further Support of Motion to Dismiss Concentra Integrated Services, Inc.'s Second Amended Third Party Complaint (Doc. No. 68, filed February 29, 2016), and Concentra's Sur Reply in Further Support

of its Opposition to Aetna Inc. and Aetna Workers' Comp Access, LLC's Motion to Dismiss Second Amended Complaint (Doc. No. 69, filed March 8, 2016), for the reasons set forth in the accompanying Memorandum dated March 9, 2016, **IT IS ORDERED** as follows:

1. The Motion to Dismiss Concentra Integrated Services, Inc.'s Second Amended Third Party Complaint is **GRANTED**;

2. The Second Amended Third Party Complaint is **DISMISSED WITH PREJUDICE**. This dismissal is without prejudice to Concentra's right to pursue these claims against the Aetna defendants in arbitration;

3. Third-party defendants Aetna, Inc., and Aetna Workers' Comp Access LLC are **DISMISSED** from the case and shall be **REMOVED** from the caption.

IT IS FURTHER ORDERED that, in light of the Court's dismissal of all claims against the Aetna defendants with prejudice, the Joint Motion to Extend Dates of Fourth Amended Scheduling Order (Doc. No. 38 in 15-2957, filed February 26, 2016; Doc. No. 65 in 15-2998, filed March 1, 2016) is **DENIED**. On or before March 16, 2016, the remaining parties in the consolidated actions **SHALL** submit to the Court (Chambers, Room 12613) a proposed Fifth Amended Scheduling Order for the Court's approval.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.